IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 371 of 2007 (M/S)

Rakesh Kumar S/O Sri Kukhveer Singh, R/O Village Paldi, District Muzaffarnagar, U.P.

…… Petitioner

Versus

1. State of Uttaranchal through its Secretary Education, Dehradun.
2. Director Vidyalayi Shiksha, Mayur Vihar, Dehradun.
3. Additional Director Education Garhwal Mandal, Pauri Garhwal.
4. District Education Officer, Haridwar.
5. Sri Dr. Trilochan, Additional District Education Officer (Basic) Haridwar.
6. Sri Anand Bhardwaj, Election Officer, Janta Inter College, Majari Gummawala, Haridwar and presently posted at Khand Siksha Adhikari, Narsan, Haridwar.

…..Respondents

Sri Ajay Veer Pundir, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, learned Brief Holder for the State-respondents 1-4.

Dated May 02, 2007.
Hon'ble B.S. Verma, J.

By means of the present petition, the petitioner has prayed for issue a writ, rule, order or directions in the nature of certiorari quashing the order dated 3-10-2006 passed by the respondent no.3 and order dated 24-4-2007 passed by respondent no. 4 respectively. By the impugned order dated 3-10-2006 the Additional Director Education has appointed Additional District Education Officer (Basic) Haridwar as authorized controller for conducting the elections of the institution and by the order dated 24-4-2007 approval was accorded conditionally to the newly elected committee of management by the District Education Officer.

It is not disputed that the election of committee of management was held on 17-4-2007. The grievance of the petitioner is that the petitioner, who is life member of the

committee of management, was not informed by post before the holding of election and his representation dated 19-4-2007 was not considered by the respondent no.4 before granting the approval.

The approval was granted by the District Education Officer Haridwar on 24-4-2007 with the condition that if it is detected in future that any fact appears to have been concealed or any adverse fact comes to light regarding the validity of the election, the approval shall stand cancelled automatically.

I have heard the submissions made by the learned counsel for the petitioner Sri Ajay Veer Pundir and perused the averments made in the writ petition. In the writ petition disputed questions of fact have been raised before this Court. The copy of the representation dated 19-4-2007 is Annexure No.2 to the writ petition. In this representation, the petitioner has nowhere disclosed as to how and when he came to know regarding the election. There is no positive averment that he had not at all received any information through post. In exercise of writ jurisdiction, disputed question of fact cannot be examined whether the petitioner was served prior to the election or not.

In the circumstances detailed above, the writ petition is devoid of merit and is liable to be dismissed at admission stage.

The writ petition is accordingly dismissed in limine. However, the petitioner may approach to the appropriate Forum for redressal of his grievance and he may avail appropriate remedy.

All applications stand disposed of.

(B.S. Verma, J)

RCP